

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

PERFORMANCE PRICING, INC.,

Plaintiff,

v.

GOOGLE INC.; AOL LLC; MICROSOFT  
CORP.; YAHOO! INC.; AND IAC SEARCH &  
MEDIA, INC.,

Defendants.

Civil Action No. 2-07CV-432-LED

JURY TRIAL REQUESTED

**DECLARATION OF EMILY C. O'BRIEN IN SUPPORT OF DEFENDANT GOOGLE INC.'S  
SUR-REPLY IN OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL 30(b)(6)  
TESTIMONY AND INTERROGATORY RESPONSES**

I, Emily C. O'Brien, declare and state as follows:

1. I am an associate of the law firm Quinn Emanuel Urquhart Oliver & Hedges, LLP and represent Defendant Google Inc. in this action. This declaration is made in support of Defendant Google Inc.'s Sur-Reply in Opposition to Plaintiff's Motion to Compel 30(b)(6) Testimony and Interrogatory Responses. The matters referred to in this declaration are based upon my personal knowledge, and if called as a witness I could testify competently to those matters.

2. Attached hereto as Exhibit 1 is a true and correct copy of selected pages from Google Inc.'s Objections and Response to Plaintiff Performance Pricing, Inc.'s First Set of Interrogatories, served on September 19, 2008.

3. Attached hereto as Exhibit 2 is a true and correct copy of Google Inc.'s First Individual Set of Interrogatories to Plaintiff Performance Pricing, Inc., served on December 9, 2008.

4. Attached hereto as Exhibit 3 is a true and correct copy of Plaintiff Performance Pricing, Inc.'s Computation of Any Category of Damages Claimed by Plaintiff, Discovery Order ¶ 2(c), served October 22, 2008.

5. Attached hereto as Exhibit 4 is a true and correct copy of Plaintiff Performance Pricing, Inc.'s Response to Defendant Google Inc.'s First Set of Interrogatories, served January 8, 2009.

6. Attached hereto as Exhibit 5 is a true and correct copy of the February 12, 2009 E-mail from Cho to O'Brien Regarding Performance Pricing Inc. v. Google Inc. et al.

7. Attached hereto as Exhibit 6 is a true and correct copy of Plaintiff Performance Pricing, Inc.'s Responses to Defendants' First Set of Interrogatories, served August 11, 2008.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge. Executed this 20th day of April, 2009 in San Francisco, California.

  
Emily C. O'Brien